

ADDENDUM TO
RECORD OF PROCEEDINGS
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

JAN 20 1999

IN THE MATTER OF:

DOCKET NUMBER: 97-02724

COUNSEL: None

HEARING DESIRED: No

APPLICANT REQUESTS THAT:

His approved hardship discharge be changed to miscellaneous discharge; or, in the alternative, the approved directed AFBCMR Docket Number 97-02724, dated 27 Aug 98 be voided to permit retention on active duty.

APPLICANT CONTENDS THAT:

With the current discharge from active duty of hardship, he will not be allowed into the Air Force Reserves. With a discharge for financial hardship, there is a mandatory waiting period of one year before a waiver can be submitted to have the hardship waived. Even with a waiver, there is no guarantee that the hardship would be waived.

Applicant's complete submission is attached at Exhibit G.

RESUME OF CASE:

In an application, dated 18 Aug 97, the applicant requested that his grade at time of enlistment into the Air Force be changed from senior airman to staff sergeant; or, in the alternative, he be released from his current enlistment contract. On 14 Jul and 31 Jul 98, the Board denied applicant's request that his enlistment grade be changed. However, after noting the applicant sold his home and he and his wife terminated their civilian employment believing he had sufficient total active federal military service to qualify for the higher enlistment grade, the Board recommended he be discharged under hardship reasons (see Exhibit H).

On 5 Oct 98, the applicant requested that the Board change his reenlistment eligibility (RE) code because he would not be able to reenlist back into the Reserves. However, since the applicant

was still on active duty, the AFBCMR informed him that it would be premature for the Board to review **his** application at this time (Exhibit I).

AIR FORCE EVALUATION:

The applicant contacted officials at the Air Force Personnel Center, Randolph AFB, Texas, and the Military Personnel Management Specialist, AFPC/DPPRS, provided an advisory opinion stating that the applicant is a fully qualified MC-130E Flight Engineer and the Air Force receives only 4 training slots per fiscal year (FY) for the MC-130E course. DPPRS also stated that training costs for the MC-130E (Combat Talon I) school is \$80,949; therefore, retention in the active force would be in the best interest of the service. DPPRS recommended approval of applicant's request that his approved hardship discharge be voided.

A complete copy of the Air Force evaluation is attached at Exhibit J.

THE BOARD CONCLUDES THAT:

We have thoroughly reviewed the entire application; however, we are not persuaded that the narrative reason for applicant's approved hardship discharge should be changed to miscellaneous reasons; or, that the Memorandum to the Chief of Staff of the Air Force, dated 27 Aug 98, be declared void. The recommendation from the Air Force, dated 20 Nov 98, is duly noted; however, our decision on applicant's original request was predicated on the belief that for him to remain on active duty would create a financial hardship for him and his family. Therefore, based upon his desire to pursue a civilian career after further schooling, we recommended that he be discharged on the basis of hardship. It now appears that his circumstances have changed and he wishes to remain on active duty or join the Reserves. However, we find insufficient evidence to persuade us that continuing applicant on active duty will alleviate the financial hardship from which he was suffering nor are we not convinced that should we approve either of his current requests that he will not change his mind again in the future when the whim strikes him. In this respect, applicant is reminded that a final decision was not made on his application until he was given time to determine when the most opportune time for discharge would be. With regard to his contention that he will not be allowed to join the Reserves with the RE code which he will receive when he is discharged, we remind applicant that if he meets all other enlistment criteria, his recruiter may submit a request for waiver of the RE code through the recruiting channels. Therefore, in view of the

foregoing and absent persuasive evidence to the contrary, we believe that our original decision should not be changed.

THE BOARD DETERMINES THAT:

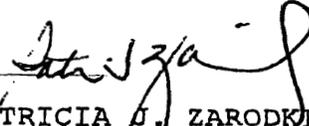
The applicant be notified that the evidence presented did not demonstrate the existence of probable material error or injustice; that the application was denied without a personal appearance; and that the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

The following members of the Board considered this application in Executive Session on 22 December 1998, under the provisions of Air Force Instruction 36-2603:

Ms. Patricia J. Zarodkiewicz, Panel Chair
Mr. Loren S. Perlstein, Member
Mr. Richard A. Peterson, Member
Mrs. Joyce Earley, Examiner (without vote)

The following documentary evidence was considered:

Exhibit G. DD Form 149, dated 5 Nov 98, w/atchs.
Exhibit H. Record of Proceedings, dated 23 Aug 98, w/atchs.
Exhibit I. Letter, AFBCMR, dated 20 Oct 98.
Exhibit J. Letter, AFPC/DPPRS, dated 20 Nov 98.


PATRICIA J. ZARODKIEWICZ
Panel Chair



DEPARTMENT OF THE AIR FORCE
WASHINGTON, D.C.

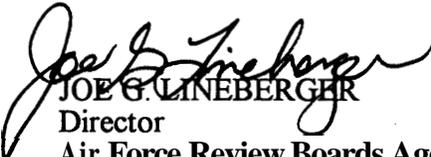
Office of the Assistant Secretary
AFBCMR 97-02724

JAN 20 1999

MEMORANDUM FOR THE CHIEF OF STAFF

Having received and considered the recommendation of the Air Force Board for Correction of Military Records and under the authority of Section 1552, Title 10, United States Code (70A Stat 116), it is directed that:

The Memorandum for the Chief of Staff, AFBCMR 97-02724, issued on 27 August 1998, as pertains to [REDACTED], and hereby is, declared void.


JOE G. LINEBERGER
Director
Air Force Review Boards Agency



DEPARTMENT OF THE AIR FORCE
WASHINGTON, DC

JAN 20 1999

Office of the Assistant Secretary

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, AIR FORCE BOARD FOR
CORRECTION OF MILITARY RECORDS

FROM: SAF/MIB

SUBJE . FE M case [REDACTED]
AFBCMR Docket 1 97

In my original decision, I accepted the rationale of the Board that the applicant's enlistment grade should not be changed but rather, he should be discharged for hardship effective January 29, 1999. After a careful review of the applicant's newest submission, I believe there is sufficient justification to revise my earlier decision.

I can certainly understand the Board's frustration with the applicant's apparent inability to decide what it is he is requesting. In this respect, I note that the Board, after making their initial recommendation, allowed him ample opportunity to decide when would be the most advantageous time for him to be discharged in order that a further hardship was not imposed upon him and his family. Now it seems that his situation has changed again and he no longer wishes to pursue advanced education in his field of expertise and a civilian career at this time and he wants the Board's decision either reversed or changed to something more to his liking. Apparently, his financial situation has been resolved to the extent that remaining on active duty will no longer pose a financial hardship. Thus, he has requested that either the narrative reason for his discharge be changed to miscellaneous reasons and his reenlistment eligibility code be changed to one allowing his enlistment in the Reserves; or, in the alternative, he be allowed to remain on active duty and fulfill his enlistment contract.

Since the only reason the Board recommended, and I approved, any relief for this applicant in the first place was to alleviate a presumed financial hardship, it would clearly be contrary to the intent of that decision to now either release him from active duty or change the narrative reason for that discharge solely on the basis that the circumstances of his situation have changed. Therefore, I believe that in the interest of justice, the applicant should remain on active duty and fulfill his enlistment contract. In coming to this conclusion, I have considered the Air Force's recommendation that applicant remain on active duty inasmuch as he is a fully qualified MC-130E Flight Engineer, the Air Force receives only four training slots per fiscal year for the MC-130E course, and the training costs for the MC-130E schooling is \$80,949. Thus, it appears that permitting the applicant to serve is in the best interests of all concerned.

Accordingly, it is my decision that his request to remain on active duty be granted.


JOE G. LINEBERGER
Director
Air Force Review Boards Agency